

Koch, Kristine

From: Bob Sallinger <bsallinger@audubonportland.org>
Sent: Wednesday, April 06, 2016 7:55 AM
To: Conley, Alanna
Cc: Grandinetti, Cami; Koch, Kristine; Allen, Elizabeth; PHCAG Members; Travis Williams; Rose Longoria; bv@columbiariverkeeper.org; Amira Streeter; Jasmine Zimmer-Stucky; Cassie Cohen; Dirk VanderHart; cprofita@opb.org; Kelly House; Steve Duin; Laura Stevens; Steve Law; Aaron Mesh
Subject: Audubon seeing confirmation regarding release date for draft Superfund Clean-up Plan
Attachments: April 6, 2016 Letter from Audubon and WRK to City Re Superfund FOIA.pdf

Dear Ms. Conley,

I am seeking confirmation that the draft clean-up plan and the initiation of the public comment period for the Portland Harbor Superfund Process will begin the week of April 11th. It is important that EPA stick to its timeline at this point as the community has made significant commitments of resources in order to respond on this timeline. It is also important given that the EPA has made it very clear that it has almost no capacity to provide the public with more than a 60-day comment period in order to achieve a final record of decision by December 31, 2016.

Any further changes would significantly undermine what is already an inadequate public engagement process and would also seriously undermine the EPA's credibility in terms of the necessity of maintaining rigid constraints it has placed on the public comment period. We greatly appreciate the hard work that EPA staff are putting into developing the draft clean-up plan. However, the EPA also has an obligation to provide the public with a meaningful public comment period.

We are disappointed that after 16 years the EPA has left so little room for public engagement and public comment. We understand that much of the delay can be attributed to the behavior of the Lower Willamette Group. However, it is ultimately the EPA's responsibility to ensure that a timeline is followed that will provide the public with adequate involvement. The EPA has known for years that it had an internal deadline for a final record of decision by December 31, 2016, and it should have forced the issue with the LWG much soon in order to protect the integrity of the public involvement/ public comment phase of this process.

Any further delays, especially this close to the announced 60-day comment period, which should begin next week, would be deeply troubling and problematic as many of us have committed significant resources in order to maximize our ability to response to what is already a very short and oft delayed comment period. I would appreciate it if you could confirm that the comment period will in fact begin next week and tell us as soon as possible what day that it is likely to occur.

Audubon will be requesting that the EPA extend the comment period to 120-days. We believe that a plan of this complexity and importance, which has taken nearly 16-years to develop, merits 120-days. Obviously any additional flexibility that EPA extends to itself in terms of producing the draft clean-up plan reduces the flexibility it can extend to the public in terms of extending the comment period and still achieving its December 31, 2016 Final ROD deadline.

I have attached a letter that Portland Audubon and Willamette Riverkeeper sent to the City of Portland this morning regarding closely related concerns about the massive FOIA request that the LWG sent to the EPA a few weeks back. The EPA and LWG have had 16 years to haggle over this process; it is time to focus on making sure that the public has what it needs to meaningfully participate in this process. We would greatly

appreciate it if you would confirm that the public comment period will begin next week, indicate what day that is likely to occur, and give serious consideration to extending the comment period to 120 days.

Thank you for your consideration of these concerns,

Respectfully,

Bob Sallinger
Conservation Director
Audubon Society of Portland